

REMARKS

The Office Action mailed on March 11, 2009, has been received and its contents carefully considered. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Upon entry of the present Reply, Claims 1, 2, 4-7 and 9-12 are pending in the present application. Claims 1, 2, 4-7 and 9-12 stand rejected. Claims 1, 6 and 11 have been amended by way of the present response. Applicant submits that upon entry of the present Reply, Claims 1, 2, 4-7 and 9-12 are in condition for allowance. Moreover, Applicant submits that no new matter has been introduced by the foregoing amendments.

Rejections under 35 U.S.C. §103

In the outstanding Office Action, Claims 1, 2, 4-7 and 9-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U. S. Patent No. 7,162,020 to Forte et al. (hereinafter referred to as “Forte) in view of U. S. Patent Publication No. 2004/0170160 to Li et al. (hereinafter referred to as “Li”).

Addressing now the rejection of Claims 1, 2, 4-7 and 9-12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Forte in view of Li, this rejection is respectfully traversed. Independent Claims 1, 6 and 11 have been amended to overcome the rejection under 35 U.S.C. § 103(a).

Neither Forte nor Li, considered alone or in combination, teach or suggest every element recited in Claims 1, 6 and 11.

Amended Claim 1 recites:

A gateway device to be installed between a public telephone network and a private branch exchange to which a plurality of extension telephones are connected, said gateway device comprising:

a public telephone network connection unit configured to connect the extension telephones to said public telephone network on the outside of said private branch exchange;

an Internet connection unit configured to connect the extension telephones to said Internet on the outside of said private branch exchange;

a connection switching unit configured to selectively connect either said public telephone network or the Internet to said private branch exchange;

a detecting unit configured to detect the use condition of a communication line connected to said private branch exchange;

a notification unit configured to transmit, to said public telephone network through said public telephone network communication unit, an outgoing call only setting signal which notifies said public telephone network that only calling is viable to said public telephone network and to inform said public telephone network that an incoming call cannot be responded, only outgoing calling being viable in a case where the communication line connected to said private branch exchange is in use,

wherein said private branch exchange is configured to switchingly connect the plurality of extension telephones with a plurality of communication lines of said public telephone network,

wherein said gateway device is provided for each of the plurality of communication lines of said public telephone network, and wherein, when the communication line connected to said private branch exchange through said gateway device is in use, a different gateway device serves to make a connection by proxy in response to a connection request issued for said gateway device in accordance with said notification unit.

Amended Claim 6 recites:

A private branch exchange system configured to switchingly connect between a public telephone network and a plurality of extension telephones, said private branch exchange system comprising:

a private branch exchange connected to the plurality of extension telephones and configured to switchingly connect the plurality of extension telephones with a plurality of communication lines of said public telephone network on the outside of said private branch exchange; and

a plurality of gateway devices provided for the plurality of communication lines of said public telephone network respectively, and configured to connect the extension telephones to said public telephone network on the outside of said private branch exchange, each of said gateway devices comprising:

a public telephone network connection unit configured to connect an extension telephone to said public telephone network on the outside of said private branch exchange;

an Internet connection unit configured to connect said extension telephone to the Internet on the outside of said private branch exchange;

a connection switching unit configured to selectively connect either said public telephone network or the Internet to said extension telephone;

a detecting unit configured to detect a use condition of a communication line connected to said extension telephone;

a notification unit configured to transmit, to said public telephone network through said public telephone network connection unit, an outgoing call only setting signal which notifies said public telephone network that only calling is viable to said public telephone network and to inform said public telephone network that an incoming call cannot be responded, only outgoing calling being viable in a case where the communication line connected to said extension telephone is in use,

wherein, when the communication line connected to said public telephone network through said private branch exchange of one of said gateway devices is in use, a different gateway device serves to make a connection by proxy in response to a connection request issued for said one of said gateway devices in accordance with said notification unit.

Amended Claim 11 recites:

An extension telephone switching method of switchingly connecting between a public telephone network and a plurality of extension telephones, by the use of a private branch exchange system, said private branch exchange system comprising:

a private branch exchange connected to the plurality of extension telephones and configured to switchingly connect the plurality of extension telephones with a plurality of communication lines of said public telephone network; and

a plurality of gateway devices provided for each of the plurality of communication lines of said public telephone network respectively, and configured to connect the extension telephones to

said public telephone network on the outside of said private branch exchange,

 said extension telephone switching method comprising:

 a step of having one of said gateway devices on the outside of said private branch exchange selectively connect either said public telephone network or the Internet to said extension telephone;

 a step of having said gateway device detect a use condition of a communication line connected to said extension telephones;

 a step of transmitting, to said public telephone network through said gateway device, an outgoing call only setting signal which notifies said public telephone network that only calling is viable to said public telephone network and to inform said public telephone network that an incoming call cannot be responded, only outgoing calling being viable in a case where the communication line connected to said extension telephones is in use; and

 a step of having, when the communication line connected to said private branch exchange through one of said gateway devices is in use, a different gateway device make a connection by proxy in response to a connection request issued for said one of said gateway devices in accordance with said notification.

Forte describes a system and method for selectively establishing communication with one of a plurality of devices associated with a single telephone number.¹ Specifically, Forte describes a system that includes a private branch exchange (“PBX”) (14) that is positioned between a public switched telephone network (“PSTN”) (16) and a plurality of telephones (12a and 12b). Moreover, Forte describes a wireless connect (“WC”) unit (30) **that is coupled to the same inside network side** of the PBX (14) as the telephones (12a and 12b). As a result, Forte describes the need of a cross-connect panel (229) that is also coupled on the inside network side of the PBX (14). The cross-connect panel (229) facilitates coupling the WC unit (30) to the PBX (14) and the telephones (12a and 12b). Forte also describes a local area network (“LAN”) (40) coupled to WC unit (30) and to the Internet (50).

¹ see Forte, Abstract.

Applicant respectfully traverses the assertions on pages 3 and 5 of the Office Action that state Forte describes a gateway device comprising a public telephone network connection unit. Rather, in contrast to the present invention, Applicant submits that Forte describes a WC unit (30) that may be **connected to a separate** network switching device or communication system, such as a central switching office, a centrex system, or an internet server.² The WC unit (30) and the network switching device or communication system may be connected directly or indirectly. Moreover, the WC unit (30) may be either co-located in the same building or located remotely, with respect to the network switching device or communication system, as described in Forte. As a result, Forte merely describes a WC unit (30) that may be coupled to a **separate** network switching device, and therefore Forte is silent regarding a **“gateway device comprising a public telephone network connection unit** configured to connect the extension telephones to said public telephone network **on the outside of** said private branch exchange,” as recited in Claims 1, 6 and 11. Therefore, the gateway device of the present invention is installed between a private branch exchange and a public line network or the Internet **on the outside of the** private branch exchange. Accordingly, the gateway device of the present invention **is located on the opposite side of the private branch exchange with respect to the extension telephones**. As a result, Forte does not teach or suggest every element recited in Claims 1, 6 and 11.

Applicant also traverses the assertions on pages 3 and 5 of the Office Action that state Forte describes a gateway device comprising an Internet connection unit. Rather, in contrast to the present invention, Forte describes the WC unit (30) being coupled to a PBX (14) **on the**

² see Forte, Col. 12, Lines 10-16.

inside, or the same side of the PBX (14) as a plurality of telephones (12a and 12b).³ As shown in Figure 1 of Forte, **both** the telephones (12a and 12b) and the WC unit (30) **are coupled to an inside network side** of the PBX (14). As a result, Forte does not describe a “gateway device comprising . . . an Internet connection unit configured to connect the extension telephones to said Internet on the outside of said private branch exchange,” as recited in Claims 1, 6 and 11. Therefore, the gateway device of the present invention is installed between a private branch exchange and a public line network or the Internet **on the outside of the** private branch exchange. Accordingly, the gateway device of the present invention **is located on the opposite side of the private branch exchange with respect to the extension telephones**. As a result, Forte does not teach or suggest every element recited in Claims 1, 6 and 11.

Moreover, Applicant traverses the assertions on pages 3 and 5 of the Office Action that state Forte describes a gateway device comprising a connection switching unit configured to selectively connect either said public telephone network or the Internet to said private branch exchange. Specifically, the Office Action states on page 3 that “Forte discusses network switching device and suitable communication line, therefore connection switching unit.” Rather, in contrast to the present invention, Forte describes a WC unit (30) that may be connected to **a separate** network switching device or communication system, such as a central switching office, a centrex system, or an internet server.⁴ The WC unit (30) and the network switching device or communication system may be connected directly or indirectly. Moreover, the WC unit (30) may be either co-located in the same building or located remotely, with respect to the network switching device or communication system, as described in Forte. As a result, Forte merely

³ see Forte, Figs. 1 and 3.

describes a WC unit (30) that may be coupled to a **separate** network switching device, and therefore, Forte is silent regarding a “**gateway device comprising . . . a connection switching unit** configured to selectively connect either said public telephone network or the Internet to said private branch exchange,” as recited in Claims 1, 6 and 11.

Applicant also traverses the assertion on pages 3-4 of the Office Action that states Forte discloses a gateway device, “wherein said gateway device is provided for each of the plurality of communication lines of said public telephone network . . . and wherein, when the communication line connected to said private branch exchange through said gateway device is in use . . . a different gateway device serves to make a connection by proxy in response to a connection request issued for said gateway device in accordance with said notification unit.” Rather, in contrast to the present invention, Forte merely describes a **single** WC unit (30) connected to the PBX (14) and the telephones (12a and 12b). As a result, Forte is silent regarding a **gateway device that is “provided for each** of the plurality of communication lines of said public telephone network, and wherein, when the communication line connected to said private branch exchange through said gateway device is in use, a **different gateway device** serves to make a connection by proxy in response to a connection request issued for said gateway device in accordance with said notification unit,” as recited in Claim 1.

Further, Applicant traverses the assertion on pages 5-6 of the Office Action that states Forte discloses “a private branch exchange system . . . comprising a private branch exchange connected to the plurality of extension telephones . . . and a plurality of gateway devices provided for the plurality of communication lines of said public telephone network respectively.” Rather,

⁴ see Forte, Col. 12, Lines 10-16.

in contrast to the present invention, Forte is silent regarding a “private branch exchange system comprising . . . a **plurality of gateway devices provided for the plurality of communication lines** of said public telephone network respectively, and configured to connect the extension telephones to said public telephone network on the outside of said private branch exchange,” as recited in Claims 6 and 11.

Turning to Li, Li describes an Internet telephony gateway which manages a hunting function of the public switched telephone network to avoid hunting failures.⁵ In contrast to the present invention, Li is silent regarding a gateway device that is “**provided for each of the plurality of communication lines** of said public telephone network, and wherein, **when the communication line** connected to said private branch exchange through said gateway device **is in use, a different gateway device** serves to make a connection by proxy in response to a connection request issued for said gateway device in accordance with said notification unit.” As a result, neither Forte nor Li, considered alone or in combination, teach or suggest every element recited in Claims 1, 6 and 11.

Moreover, according to Forte, the WC unit (30) ignores the PBX (14) on the LAN (40) side of the system when carrying out the extension switching processing. Forte does not suggest that further improvement is desired, or that another feature should be added to further improve the extension switching processing. In particular, Forte does not suggest adding the list of value added features for connecting an incoming call to a computer system that is already engaged in a communication session, such as those disclosed in Li. Forte and Li, therefore, do not provide the motivation to perform the proposed modification of system and method described in Forte. In

other words, an attempt to bring in the isolated teaching of Li into the Forte system and method would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole.⁶ While the required evidence of motivation to combine need not come from the applied references themselves, the evidence must come from *somewhere* within the record. In this case, there is nothing in the record supporting the Office Action's proposed modification of Forte.

For at least the reasons set forth above, Applicant respectfully submits that independent Claims 1, 6 and 11 are patentable over Forte in view of Li. Since dependent Claims 2, 4 and 5 incorporate all the elements of independent Claim 1, dependent Claims 7, 9 and 10 incorporate all the elements of independent Claim 6 and dependent Claim 12 incorporates all the elements of independent Claim 11, Applicant respectfully submits that Claims 2, 4, 5, 7, 9, 10 and 12 likewise are patentable over Forte in view of Li.

Accordingly, Applicant respectfully requests that the §103 rejection of Claims 1, 2, 4-7 and 9-12 be withdrawn.

⁵ see Li, Abstract.

⁶ see In re Ehrereich 590 F2d 902, 200 USPQ 504 (CCPA, 1979) (stating that patentability must be addressed "in terms of what would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the sum of all the relevant teachings in the art, not in view of first one and then another of the isolated teachings in the art," and that one "must consider the entirety of the disclosure made by the references, and avoid combining them indiscriminately.")

CONCLUSION

Applicants have made a diligent effort to place the application in condition for allowance. An early and favorable action to that effect is respectfully requested. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Timothy J. Maier, Applicants' attorney at 1.703.740.8322 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,
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